

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
At Albuquerque, NM

JAN 22 2025

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DINEH BENALLY,
DONALD BENALLY, and
IRVING REA YUI LIN,

Defendants.

CRIMINAL NO. 25-113 JB

Count 1: 21 U.S.C. § 846: Conspiracy;

Count 2: 21 U.S.C. §§ 841(a)(1) and
(b)(1)(A)(vii): Manufacture of 1,000
Kilograms and More of Marijuana and
1,000 and More Marijuana Plants; 18
U.S.C. § 2: Aiding and Abetting;

Count 3: 21 U.S.C. §§ 841(a)(1) and
(b)(1)(A)(vii): Possession with Intent to
Distribute 1,000 Kilograms and More of
Marijuana and 1,000 and More of
Marijuana Plants; 18 U.S.C. § 2: Aiding
and Abetting;

Count 4: 21 U.S.C. § 856(a): Maintaining
Drug-Involved Premises; 18 U.S.C. § 2:
Aiding and Abetting;

Counts 5 and 6: 33 U.S.C. §§ 1311(a) and
1319(c)(2)(A): Knowing Discharge of a
Pollutant from a Point Source into a Water
of the United States without a Permit; 18
U.S.C. § 2: Aiding and Abetting.

INDICTMENT

The Grand Jury charges:

Count 1

Beginning on a date unknown, but no later than on or about January 1, 2018, and continuing to on or about November 11, 2020, in San Juan County, in the District of New Mexico, and elsewhere, the defendants, **DINEH BENALLY, DONALD BENALLY, and IRVING REA YUI LIN**, unlawfully, knowingly, and intentionally combined, conspired, confederated, agreed, and

acted interdependently with each other and with other persons whose names are known and unknown to the Grand Jury to commit an offense defined in 21 U.S.C. § 841(a)(1), specifically, manufacture of, and possession with intent to distribute, a controlled substance.

Quantity of Marijuana Involved in the Conspiracy

With respect to **DINEH BENALLY**, **DONALD BENALLY**, and **IRVING REA YUI LIN**, the amount of marijuana involved in the conspiracy attributable to each of them as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, is 1,000 kilograms and more of a mixture and substance containing a detectable amount of marijuana and 1,000 and more marijuana plants regardless of weight, contrary to 21 U.S.C. § 841(b)(1)(A)(vii).

Manner and Means

The manner and means by which the defendants, **DINEH BENALLY**, **DONALD BENALLY**, and **IRVING REA YUI LIN**, sought to accomplish the objectives of the conspiracy included, among other things, the following:

1. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DONALD BENALLY**, approached the Chief of Police for the Navajo Nation and attempted to bribe him with drug proceeds to allow marijuana to be grown on the Navajo Nation.

2. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, who had land permits for two farms on the Navajo Nation, entered into lease agreements with members of the Navajo Nation, both formally and informally, to obtain land on an additional twenty-three farms on the Navajo Nation.

3. It was part of the conspiracy that between on or about June 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, obtained control and authority over twenty-five farms covering approximately 400 acres in the Shiprock area on the Navajo Nation.

4. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY** and **IRVING REA YUI LIN**, solicited Chinese investors to obtain funding to build infrastructure to grow and cultivate marijuana.

5. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY** and **IRVING REA YUI LIN**, met with Chinese investors to obtain funding to build infrastructure to grow and cultivate marijuana.

6. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY** and **IRVING REA YUI LIN**, sold cannabis cultivation licenses.

7. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY** and **IRVING REA YUI LIN**, directed purchasers of the cannabis cultivation licenses to never disclose the existence of the cannabis cultivation licenses to others.

8. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY** and **IRVING REA YUI LIN**, directed others to represent that hemp and not marijuana was being grown at the twenty-five farms.

9. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY** and **IRVING REA YUI LIN**,

required investors to pay “kickbacks” and other fees, in addition to a cannabis cultivation licensing fee, for access to the marijuana cultivation services provided by defendants.

10. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, accepted cash payments from investors to fund the marijuana operation.

11. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, maintained a physical ledger to record cash payments made to him.

12. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, made cash payments for materials and equipment needed to operate the marijuana farms.

13. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY** and **IRVING REA YUI LIN**, constructed approximately 1,107 cannabis greenhouses on twenty-five marijuana farms.

14. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY**, **DONALD BENALLY**, and **IRVING REA YUI LIN**, managed twenty-five marijuana farms in the Shiprock, New Mexico area.

15. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY**, **DONALD BENALLY**, and **IRVING REA YUI LIN**, recruited and utilized Chinese workers to cultivate the marijuana farms.

16. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY**, **DONALD BENALLY**, and

IRVING REA YUI LIN, constructed living quarters and housed Chinese workers on the twenty-five marijuana farms.

17. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY**, **DONALD BENALLY**, and **IRVING REA YUI LIN**, employed and utilized armed security guards to protect the marijuana farms.

18. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, rented portable restrooms from Company 1 for workers on the twenty-five marijuana farms.

19. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY**, **DONALD BENALLY**, and **IRVING REA YUI LIN**, utilized approximately 1,107 greenhouses and other buildings on the marijuana farms to grow, cultivate, dry, prune, and package marijuana.

20. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY**, **DONALD BENALLY**, and **IRVING REA YUI LIN**, used vacuum sealers to package marijuana.

21. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY**, **DONALD BENALLY**, and **IRVING REA YUI LIN**, utilized Chinese workers to transport processed marijuana from the marijuana farms across state lines.

22. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, Navajo Nation law enforcement conducted traffic stops and seized marijuana from Chinese workers as they transported marijuana off the farms.

23. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY** and **IRVING REA YUI LIN**, rented storage containers from Company 2 in Gallup, New Mexico, to transport marijuana.

24. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, failed to obtain National Pollution Discharge Elimination System permits to discharge pollutants from the twenty-five marijuana farms.

25. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, rented a bulldozer from Company 3 for use on the marijuana farms.

26. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, used cash to purchase from Company 4 pumps, tanks, pipes, and irrigation equipment for use on the marijuana farms.

27. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, drilled wells to irrigate the marijuana farms.

28. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, filled in a channel along the San Juan River dam adjacent to the M.B. farm.

29. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, rented a road grader from Company 5 to fill in a channel along the San Juan River.

30. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendant, **DINEH BENALLY**, installed a sandbag dam along the San Juan River to irrigate the F.B. farm.

31. It was part of the conspiracy that between on or about January 1, 2018, and on or about November 11, 2020, the defendants, **DINEH BENALLY**, **DONALD BENALLY**, and **IRVING REA YUI LIN**, manufactured and possessed with intent to distribute, approximately 60,000 pounds of marijuana and approximately 260,000 marijuana plants.

In violation of 21 U.S.C. § 846.

Count 2

From on or about November 9, 2020, and continuing to on or about November 11, 2020, in San Juan County, in the District of New Mexico, the defendants, **DINEH BENALLY** and **IRVING REA YUI LIN**, unlawfully, knowingly, and intentionally manufactured a controlled substance, and the offense involved 1,000 kilograms and more of a mixture and substance containing a detectable amount of marijuana, and 1,000 and more marijuana plants regardless of weight.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vii), and 18 U.S.C. § 2.

Count 3

From on or about November 9, 2020, and continuing to on or about November 11, 2020, in San Juan County, in the District of New Mexico, the defendants, **DINEH BENALLY** and **IRVING REA YUI LIN**, unlawfully, knowingly, and intentionally possessed with intent to distribute a controlled substance, and the offense involved 1,000 kilograms and more of a mixture and substance containing a detectable amount of marijuana, and 1,000 and more marijuana plants regardless of weight.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vii), and 18 U.S.C. § 2.

Count 4

From on or about January 1, 2019, and continuing to on or about November 11, 2020, in San Juan County, in the District of New Mexico, the defendant, **DINEH BENALLY**, knowingly opened, leased, rented, used, and maintained twenty-five farms in Shiprock, New Mexico, for the purpose of manufacturing, distributing, and using a controlled substance, specifically, marijuana, and managed and controlled said places, and knowingly and intentionally rented, leased, profited from, and made available for use said places, for the purpose of unlawfully manufacturing, storing, distributing, and using said controlled substance.

In violation of 21 U.S.C. § 856(a) and 18 U.S.C. § 2.

Count 5

Between in or about March 2020, and in or about May 2020, in San Juan County, in the District of New Mexico, the defendant, **DINEH BENALLY**, and others known and unknown to the Grand Jury, knowingly discharged and knowingly caused to be discharged a pollutant, that is, fill material including solid waste, rock, sand, and agricultural waste, from a point source into a water of the United States without a permit issued under 33 U.S.C. § 1344. This discharge occurred during the process of expanding land known as the M.B. Farm by filling in a secondary channel of the San Juan River and adjoining wetlands and clearing the land of riparian vegetation.

In violation of 33 U.S.C. §§ 1311(a) and 1319(c)(2)(A), and 18 U.S.C. § 2.

Count 6

Between in or about March 2020 and on or about August 17, 2020, in San Juan County, in the District of New Mexico, the defendant, **DINEH BENALLY**, and others known and unknown to the Grand Jury, knowingly discharged and knowingly caused to be discharged a pollutant, that is, fill material including solid waste, rock, sand, and agricultural waste, from a point source into a water of the United States without a permit issued under 33 U.S.C. § 1344. This discharge

occurred in the process of installing a dam in a side channel of the San Juan River near a land known as the F.B. Farm in order to create a man-made reservoir for use in irrigation and for other purposes.

In violation of 33 U.S.C. §§ 1311(a) and 1319(c)(2)(A), and 18 U.S.C. § 2.

A TRUE BILL:


Assistant United States Attorney

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FOREPERSON OF THE GRAND JURY